

### REMARKS

Reconsideration is requested.

In this response, claim 1 has been amended and new claims 21-22 have been added. Thus, claims 1-22 remain pending in this application. New claims find support at least at Figure 2 and pages 9 and 10 of the present specification.

Claims 1-4, 6 and 16-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Maniwa* (U.S. Patent No. 5,933,584); and Claims 5, 7-9 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Maniwa* in view of *Davidson* (U.S. Patent No. 6,025,925).

#### Rejections Under 35 U.S.C. §102(e)

Claims 1-4, 6 and 16-17 are rejected under 35 U.S.C. §102(e) as being anticipated by *Maniwa* (U.S. Patent No. 5,933,584). Applicants respectfully traverse the rejection in view of the following:

Anticipation of a claim under §102 can be found only if the prior art reference discloses every element of the claim..." *In re King*, 801 F. 2d 1324, 1326, 231 USPQ 81, 90 (1985). Thus, to "anticipate a claim, a prior art reference must show each and every element claimed." *Leinoff v. Louis Milona & Sons, Inc.*, 726 F. 2d 734, 738, 220 USPQ 845, 848 (Fed. Cir. 1984).

Claim 1 recites, in part, an apparatus for tracking usage information for an image forming device, comprising an image forming device, processing circuitry associated with the image forming device, computer program code implemented on the processing circuitry and operative to count page-area and toner coverage at the image forming device collected on a print job-by-print job basis, and memory coupled with the processing circuitry and operative to store a data file containing the user information, the output job information, and the usage information comprising total page area used and toner used.

Examiner's attention is respectfully directed to the feature that a count of page-area and toner coverage is performed at the image forming device on a print-job-by-print-job basis. See claim 1 as recited above. See page 9, line 22 through page 10, line 5 of the present specification for further details.

Maniwa discloses a network system having a print server 106 connected to a plurality of printers 112. Individual ones of the printers 112 are controlled by the print server 106. For example, print server 106 receives commands from a workstation and then transfers the commands to a respective printer. See Maniwa's col. 12, lines 59-63. The print server also functions to accumulate data on size and a number of sheets of paper used by each user and thus builds up data provided to a database as a file (accounting data file). See col. 13, lines 48-52. Thus, counting of size and number of sheets is performed at the print server 106 and not at the printer 112.

In Maniwa, since counting of size, number of sheets, and accounting is performed at the print server 106, it therefore teaches away from claim 1 which specifically recites that a count of page-area and toner coverage is performed at the image forming device.

Furthermore, Maniwa discloses that the accounting data file is updated each time each user demands a print job. See col. 13, line 50. For example, a user may demand a print job, and based on such demand the print server 106 may update the accounting data file. However, if printing of such print job is not accomplished, then a clear discrepancy exists. Since the accounting data file is updated each time a user demands a print job, Maniwa's accounting data file does not contain information regarding total page area used and toner used. It is precisely this discrepancy that the claimed invention solves in one aspect. Claim 1 recites that a count of the page-area and toner coverage are determined at the image forming device and data is collected on a print job-by-print job basis and not when a demand is made by a user.

In view of the above, Maniwa cannot anticipate claim 1.

Claim 1 is therefore in condition for allowance.

As claim 2-9 depend from claim 1, they too are allowable.

Claim 16 is patentably distinct over Maniwa at least for the reasons set forth above with reference to claim 1, in addition to its own distinct features. For example, claim 16 recites, in part, determining consumable usage data including actual toner usage at the image forming device. Maniwa fails to teach

or suggest all the elements of claim 16. Accordingly, claim 16 is in condition for allowance.

As claims 17-20 depend from claim 16, they too are allowable.

**Rejections Under 35 U.S.C. §103**

Claims 5, 7-9, 10-15, and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of *Maniwa* and *Davidson*. These rejections are respectfully traversed.

Claims 5, 7-9 depend from claim 1 which is patentably distinct over *Maniwa*. *Davidson* fails to cure *Maniwa*'s deficiencies. Therefore, neither *Maniwa* nor *Davidson*, taken alone or in combination, teach or suggest all the elements of claim 1. Claims 5 and 7-9 further limit the scope of claim 1 in a patentable sense. Accordingly, they too are in condition for allowance.

Claims 18-20 depend from claim 16 which is patentably distinct over *Maniwa*. *Davidson* fails to cure *Maniwa*'s deficiencies. Therefore, neither *Maniwa* nor *Davidson*, taken alone or in combination, teach or suggest all the elements of claim 16. Claims 18-20 further limit the scope of claim 16 in a patentable sense. Accordingly, they too are in condition for allowance.

Claim 10 recites a hard copy output device usable with a local area network (LAN) and a client computer, comprising processing circuitry communicating with the hard copy output device and operative to receive LAN data packets from the client computer over the LAN that identify a user and a print job, and memory coupled with the processing circuitry and operative to store a data file containing the LAN data packets and consumable usage information **including actual toner usage**.

The Office Action relies on *Maniwa* to cure *Davidson*'s deficiencies. Specifically, the Office Action asserts that "*Maniwa* teaches actual toner usage is contained in the data file" at *Maniwa*'s col. 13, lines 58-60.

As described above with reference to claim 1 and reiterated below, *Maniwa* discloses that the accounting data file is updated **each time each user demands** a print job. See col. 13, line 50. For example, a user may demand a print job, and based on such demand the print server 106 may update the

accounting data file. However, if printing of such print job is not accomplished, then a clear discrepancy exists as to what has been demanded by the user and what has actually been printed by the printer. Since the accounting data file is updated each time a user demands a print job, Maniwa's accounting data file does not contain consumable usage information including actual toner usage. It is precisely this discrepancy that the claimed invention solves in one aspect. Page 9, lines 22 through page 10, line 5 of the present specification provide further details.

In view of the above, even if Davidson is combined with Maniwa, all the elements of claim 10 are not met. Claim 10 is therefore in condition for allowance.

As claims 11-15 depend from claim 10, they too are in condition for allowance. A notice to that effect is respectfully urged.

New claims 21-22 are also allowable at least for the reasons set forth above with reference to claim 1 and 10 in addition to their own respective independent features.

For example, claim 21 recites, in part, a processing circuitry associated with and provided within the image forming device,... wherein number of pages printed by the image forming device is determined by counting pages printed downstream of a fuser on an output side of a fuser of the image forming device.

Claim 22 recites, in part, a memory coupled with the processing circuitry and operative to store a data file containing the user information, the output job information, and the usage information comprising total page area used and toner used for print jobs that are actually processed by the image forming device, and wherein number of pages printed by the image forming device is determined by counting pages printed on an output side of a fuser of the image forming device.

None of the references of record teach or suggest all the elements of claims 21 and 22. Accordingly, claims 21-22 are in condition for allowance. A notice to that effect is respectfully requested.

**CONCLUSION**

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

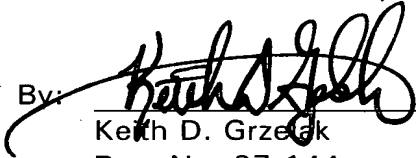
Respectfully submitted,

William K. Meade II, et al., Inventors

Date: \_\_\_\_\_

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By: \_\_\_\_\_

  
Keith D. Grzesiak  
Reg. No. 37,144

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(509) 624-4276